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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,251

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EXAMINER

LONG, ANDREA NATAE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/672,251	Applicant(s) KARAOGUZ ET AL.	
	Examiner Andrea N. Long	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/04/2008</u> | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

Applicant's Response

In Applicant's Responses dated 03/04/2008, Applicant amended Claims 1, 9, 10, 17, 21, 22, 28, 36, 37, 44, 47, and 48, and argued against all objections and rejections previously set forth in the Office Action dated 10/04/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jason

M. Nash (PG Publication US 2001/0021994 A1) in view of Cristofalo et al (US 2002/0152117 A1), hereinafter "Cristofalo".

For the convenience of the Applicant, the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action. Although the specified citations are representations of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. The Applicant should consider the entire reference(s) as applicable as to the limitations of the claims.

As to independent claim 1, Nash discloses

a television display to support the consumption of media (page 1 paragraph [0020];

a user interface accessible via the television display, the user interface displaying at least one media channel comprising media available for consumption (page 2 paragraph [0021], page 5 paragraph [0056], Figure 4);

a storage (memory) that stores media (page 1 paragraph [0005]), the storage communicatively coupled to the television display (Figure 1) and receiving a request identifying a user identifier, and wherein a user-defined profile corresponds to the user identifier (page 3 paragraph [0024]). While Nash teaches a user-defined profile, it is taught as being in conjunction with rating information to automatically select advertisements. Nash does not explicitly teach an associated network address, and delivering to the storage, via a communication network, information identifying the selected media, the information for incorporation into the user interface. Cristofalo teaches a system that automatically selects media according to a user profile (page 1 paragraph [0006]), an associated network address (IP), and delivering to a storage, via a communication network, information identifying selected media for incorporation into a user interface (page 3 paragraph [0022], page 4 and 5 paragraph [0029], [0031]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the media consumption and display system of Nash with the selection of media according to a user profile of Cristofalo to provide efficient and effective targeted media of a user's interest.

As to dependent claim 2, Nash teaches a system for consumption of media. Nash does not teach an associated network address. Cristofalo teaches a network address and wherein the network address is one of an Internet protocol (IP) address (page 3 paragraph [0022]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the media consumption of Nash with the IP of Cristofalo to identify and communicate with other systems in a network.

As to dependent claim 3, Nash teaches a communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure (page 5, paragraph [0056], network provider).

As to dependent claim 4, Nash teaches wherein the communication network is the Internet (page 2 paragraph [0017]).

As to dependent claim 5, Nash teaches wherein the selected media comprises one or more of audio, a still image, video, and/or data (page 1 paragraph [0005]).

As to dependent claim 6, Nash teaches wherein the selected media comprises real-time video (page 1 paragraph [0005]).

As to dependent claim 7, Nash teaches wherein consumption comprises one of playing audio, displaying a still image, displaying video, and/or displaying data (page 1 paragraph [0005]).

As to dependent claim 8, Nash teaches wherein the user profile corresponds to an individual user (page 3 paragraph [0024]).

As to dependent claim 9, Nash teaches wherein the user-defined profile comprises one or more of a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and/or a media selection (page 2 paragraph [0019], page 4 paragraph [0040], monitoring viewing habits).

As to independent claim 10, Nash teaches a user interface displaying at least one media channel comprising media available for consumption (page 2 paragraph [0021], page 5 paragraph [0056], Figure 4); and a storage (memory) that stores media (page 1 paragraph [0005]). While Nash teaches a user-defined profile, it is taught as being in conjunction with rating information to automatically select advertisements. Nash does not explicitly teach an associated network address, and delivering to the storage, via a communication network, information identifying the selected media, the information for incorporation into the user interface. Cristofalo teaches a system that automatically selects media according to a user profile (page 1 paragraph [0006]), an associated network address (IP), and delivering to a

storage, via a communication network, information identifying selected media for incorporation into a user interface (page 3 paragraph [0022], page 4 and 5 paragraph [0029], [0031]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the media consumption and display system of Nash with the selection of media according to a user profile of Cristofalo to provide efficient and effective targeted media of a user's interest.

As to dependent claim 11, Nash teaches wherein the selected media comprises one or more of audio, a still image, video, and/or data (page 1 paragraph [0005]).

As to dependent claim 12, Nash teaches wherein the media comprises real-time video (page 1 paragraph [0005]).

As to dependent claim 13, Nash teaches a system for consumption of media. Nash does not teach an associated network address. Cristofalo teaches a network address and wherein the network address is one of an Internet protocol (IP) address (page 3 paragraph [0022]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the media consumption of Nash with the IP of Cristofalo to identify and communicate with other systems in a network.

As to dependent claim 14, Nash teaches wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data (page 1

paragraph [0005]).

As to dependent claim 15, Nash teaches a communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure (page 5, paragraph [0056], network provider).

As to dependent claim 16, Nash teaches wherein the communication network is the Internet (page 2 paragraph [0017]).

As to dependent claim 17, Nash teaches wherein the user-defined profile comprises one or more of a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and/or user selected media (page 2 paragraph [0019], monitoring viewing habits).

As to dependent claim 18, Nash teaches consumption of media. Nash does not teach wherein the server software supports anonymous media exchange. Cristofalo teaches wherein a server supports anonymous media exchange (page 4 and 5 paragraph [0029]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the consumption of media of Nash with the anonymous media exchange of Cristofalo to provide additional selection options of media to a user.

As to dependent claim 19, Nash teaches consumption of media. Nash does not teach wherein the server software coordinates the delivery of the selected media to the storage. Cristofalo teaches wherein the server software coordinates the delivery of the selected media to the storage (page 4 paragraph [0029]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the teachings of Nash with the delivery of media of Cristofalo to separate incoming cable signals into various programming signals.

As to dependent claim 20, Nash teaches consumption of media. Nash does not teach wherein the server software is at a location separate from the storage location. Cristofalo teaches wherein the server software is at a location separate from the storage (Figure 1).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the teachings of Nash with the server software of Cristofalo to provide multiple storage locations for security implementation.

As to independent claim 21, Nash teaches receiving a user-defined profile from a user (page 4 paragraph [0040]); automatically selecting media according to the user-defined profile (page 2 paragraph [0019]); communicating to the user information identifying the media (page 2 paragraph [0019], transmitting apparatus; receiving a request from the user for at least a portion of the identified media (page 2 paragraph [0019], receiving device); and coordinating the delivery of at least a portion of the identified media from a source to the user for consumption (page 2 paragraph [0019]). While Nash teaches a user-defined profile, it is taught

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as being in conjunction with rating information to automatically select advertisements. Nash does not explicitly teach automatically selecting media according to a user profile alone. Cristofalo teaches a system that automatically selects media according to a user profile (page 1 paragraph [0006]). It would have been obvious to one skilled in the art at the time the invention was made to have combined the media consumption and display system of Nash with the selection of media according to a user profile of Cristofalo to provide efficient and effective targeted media of a user's interest.

As to dependent claim 22, Nash teaches wherein the user-defined profile comprises at one or more of a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and user selected media (page 2 paragraph [0019]).

As to dependent claim 23, Nash teaches wherein the media comprises one or more of audio, a still image, video, real-time video, and/or data (page 1 paragraph [0005]).

As to dependent claim 24, Nash teaches wherein the consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data (page 1 paragraph [0005]).

As to dependent claim 25, Nash teaches a communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL)

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infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure (page 5, paragraph [0056], network provider).

As to dependent claim 26, Nash teaches wherein the communication network is the Internet (page 2 paragraph [0017]).

As to dependent claim 27, note the discussion above, Nash teaches the method of claim 21. Nash does not teach wherein the user is unknown to the source. Cristofalo teaches wherein the user is unknown to the source (page 5 paragraph [0034]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the method of Nash with the flexibility of Cristofalo to allow access to multiple sources without providing user information.

As to independent claim 28, claim 28 recites substantially similar subject matter of that of claim 1, and in further view of the following, is rejected under the same rationale:

Nash teaches a processor and supports the storing in the storage of information identifying the selected media (page 1 paragraph [0005]).

As to dependent claim 29, Nash teaches a system for consumption of media. Nash does not teach an associated network address. Cristofalo teaches a network address and wherein the network address is one of an Internet protocol (IP) address (page 3 paragraph [0022]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the media consumption of Nash with the IP of Cristofalo to identify and communicate with other systems in a network.

As to dependent claim 30, Nash teaches a communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure (page 5, paragraph [0056], network provider).

As to dependent claim 31, Nash teaches wherein the communication network is the Internet (page 2 paragraph [0017]).

As to dependent claim 32, Nash teaches wherein the selected media comprises one or more of audio, a still image, video, and/or data (page 1 paragraph [0005]).

As to dependent claim 33, Nash teaches wherein the selected media comprises real-time video (page 1 paragraph [0005]).

As to dependent claim 34, Nash teaches wherein consumption comprises one of playing audio, displaying a still image, displaying video, and/or displaying data (page 1 paragraph [0005]).

As to dependent claim 35, Nash teaches wherein the user profile corresponds to an individual user (page 3 paragraph [0024]).

As to dependent claim 36, Nash teaches wherein the user-defined profile comprises one or more of a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and/or a media selection (page 2 paragraph [0019], page 4 paragraph [0040], monitoring viewing habits).

As to independent claim 37, claim 37 recites substantially similar subject matter at that of claim 10, in further view of the following, and is rejected under the same rationale:

Nash teaches a processor and supports the storing in the storage of information identifying the selected media (page 1 paragraph [0005]).

As to dependent claim 38, Nash teaches wherein the selected media comprises one or more of audio, a still image, video, and/or data (page 1 paragraph [0005]).

As to dependent claim 39, Nash teaches wherein the media comprises real-time video (page 1 paragraph [0005]).

As to dependent claim 40, Nash teaches a system for consumption of media. Nash does not teach an associated network address. Cristofalo teaches a network address and wherein the network address is one of an Internet protocol (IP) address (page 3 paragraph [0022]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the media consumption of Nash with the IP of Cristofalo to identify and communicate with other systems in a network.

As to dependent claim 41, Nash teaches wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data (page 1 paragraph [0005]).

As to dependent claim 42, Nash teaches a communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure (page 5, paragraph [0056], network provider).

As to dependent claim 43, Nash teaches wherein the communication network is the Internet (page 2 paragraph [0017]).

As to dependent claim 44, Nash teaches wherein the user-defined profile comprises one or more of a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and/or user selected media (page 2 paragraph [0019], monitoring viewing habits).

As to dependent claim 45, Nash teaches consumption of media. Nash does not teach wherein the server software supports anonymous media exchange. Cristofalo teaches wherein a server supports anonymous media exchange (page 4 and 5 paragraph [0029]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the consumption of media of Nash with the anonymous media exchange of Cristofalo to provide additional selection options of media to a user.

As to dependent claim 46, Nash teaches consumption of media. Nash does not teach wherein the server software coordinates the delivery of the selected media to the storage. Cristofalo teaches wherein the server software coordinates the delivery of the selected media to the storage (page 4 paragraph [0029]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the teachings of Nash with the delivery of media of Cristofalo to separate incoming cable signals into various programming signals.

As to independent claim 47, claim 47 recites substantially similar subject matter at that of claim 21, and is rejected under the same rationale.

As to dependent claim 48, Nash teaches wherein the user-defined profile comprises at one or more of a user interest, an age, a hobby, a gender, a viewing history, a genre, a media type, a media format, a media quality, a time, and user selected media (page 2 paragraph [0019]).

As to dependent claim 49, Nash teaches wherein the media comprises one or more of audio, a still image, video, real-time video, and/or data (page 1 paragraph [0005]).

As to dependent claim 50, Nash teaches wherein the consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data (page 1 paragraph [0005]).

As to dependent claim 51, Nash teaches a communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure (page 5, paragraph [0056], network provider).

As to dependent claim 52, Nash teaches wherein the communication network is the Internet (page 2 paragraph [0017]).

As to dependent claim 53, note the discussion above, Nash teaches the method of claim 47. Nash does not teach wherein the user is unknown to the source. Cristofalo teaches wherein the user is unknown to the source (page 5 paragraph [0034]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the method of Nash with the flexibility of Cristofalo to allow access to multiple sources without providing user information.

Response to Arguments

Applicant's arguments filed 03/04/2008 have been fully considered but they are not persuasive.

Applicant asserts that Nash fails to teach the newly amended limitations to include “automatic selection of media according to a user-**defined profile**”. In general Applicant arguments surround the use of the term “user-defined profile” and the lack of Nash teaching a user-define profile.

The Examiner respectfully disagrees.

Nash provides clear support for the teaching of a user-defined profile which is used in the selection of media to present to a user. Page 4, paragraph [0040], in addition to the Abstract, state that the user profile can be explicitly generated by the user by the user entering preferences via a user interface. Specifically Nash teaches that having a user-defined profile is necessary to overcome the problem of the receiving device lack of knowledge of a user's interest and hence suggestions for viewing will be non-existent or random. Therefore a viewer will enter some initial information as to his or her preferences, by using a menu and selection scheme. That initial profile is then continuously updated. However the initial profile is defined by a user.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long
June 16, 2008

/William L. Bashore/
Primary Examiner, Art Unit 2175